IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1577 OF 2006
IN
SUIT NO.3686 OF 1990

Mrs.Rakhi Asandas Teckwani & ors ..Plaintiffs

Versus

M/s.Mahesh Associates & ors. ..Defendants

And

Kapildev Ramdayal Gupta ..Applicant

Mr.S.K.Chaurasia i/by A.M.Saraogi for applicant.

Mr.S.J.Khera for defendant nos.1 & 2.

Mr.D.V.Deokar 1st Assistant to Court Receiver present.

Mr.I.A.Patel for plaintiffs.

Ms.Merlyn Monterid for defendant no.7.

Coram : R.S.Mohite,J

Date : 12.12.2006.

PC

1. This is a Chamber summons taken out by a 3rd party for a direction that the Court Receiver should not disturb his physical possession of flat no.201, situated at Mangal Mahesh Baugh, S.V.Road, Borivali (West), Mumbai-400 092. It is a common ground that the Court Receiver was appointed by the Division Bench of this Court vide its order dated 19.7.1994 and when the said order was passed the building was only partly constructed and no completion or occupancy certificate had been then granted. It is

not known as to how the present applicant came to occupy the said premises. In any case, in my view, the proper course would be to intervene in the review petition or before the single Judge in an order passed in a Court Receiver's report. With such liberty, Chamber summons is dismissed. I am informed that against the order passed on the Court Receiver's report, a review has been filed by the original plaintiffs and the said matter is kept on 14.12.2006. Status-quo as of today to be continued till 15.12.2006.

(R.S.Mohite,J)